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COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision Concerning the Second Instalment of "E3" Claims taken by the Governing Council of the United Nations Compensation Commission at its 86th meeting, held on 18 March 1999 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure, the Report and Recommendations made by the Panel of Commissioners concerning the second instalment of "E3" claims, covering eight claims, 1/

Having been assured, in writing by the Panel, in response to a request by the Governing Council that, in using the phrase "clear and convincing" in its loss of profit analysis, the Panel was not creating a new or higher evidentiary standard than that set out in the Governing Council's decisions, and being also assured by the Panel that the recommendations of the Panel would have remained exactly the same if the phrase "with reasonable certainty" had been used,

1. Approves the recommendations made by the Panel of Commissioners, and, accordingly,

2. Decides, pursuant to article 40 of the Rules, to approve the amounts of the recommended awards concerning the claims covered in the report. The aggregate amounts per country, as noted in paragraph 328 of the report, are as follows:

1/ The text of the report appears in document S/AC.26/1999/5.

Country	Number of Claims	Amount of Compensation Claimed (US$)	Amount of Compensation Recommended (US$)
Bulgaria	1	55,934,647	150,790
China	1	67,340,959	1,217,964
Croatia	1	17,573,758	nil
Federal Republic of Yugoslavia	1	27,073,424	878,271
India	1	106,430,570	nil
Republic of Korea	1	13,552,841	nil
Romania	1	38,352,000	nil
United States	1	10,301,346	8,921,393
Total	8	336,559,545	11,168,418

3. Reaffirms that when funds become available payments shall be made in accordance with decision 17 [S/AC.26/Dec.17 (1994)],

4. Recalls that when payments are made in accordance with decision 17 [S/AC.26/Dec.17 (1994)] and pursuant to the terms of decision 18 [S/AC.26/Dec.18 (1994)], Governments shall distribute amounts received to the designated claimants in respect of approved awards within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,

5. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, to the Government of the Republic of Iraq and to each respective Government.